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January 21, 2021

BY ECF

Honorable Mary Kay Vyskocil

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Re: *Clarkson Recovery Corp. v. Ryzinski & Macniak*, 20 Civ. 4336 (MKV)

Dear Judge Vyskocil:

We represent plaintiff/counterclaim-defendant Clarkson Recovery Corp. (“plaintiff”) in the above-referenced matter. In anticipation of the conference scheduled for January 28, 2021 at 10:30 AM, and in accordance with the Court’s Individual Rules, we write respectfully on behalf of both plaintiff and defendants/counterclaim-plaintiffs Bolek Ryzinski and Lukas Macniak (“defendants”) to request a further extension of the deadline for the completion of fact discovery in this action from March 4, 2021 to April 30, 2021, and a corresponding adjustment of the remaining dates in the Civil Case Management Plan and Scheduling Order. A proposed revised Civil Case Management Plan and Scheduling Order is being submitted with this letter. This is the parties’ second request for an extension of the discovery deadlines. Both parties respectfully submit that good cause exists for this additional extension request.

As outlined below, the parties have made significant progress with respect to discovery, but an issue has arisen that has delayed defendants’ ability to review and produce documents in response to plaintiff’s discovery requests, necessitating this further extension request. Specifically, for the last several weeks, the attorney for defendants who has taken the lead with respect to defendants’ discovery efforts has been out on parental leave, and the leave has extended longer than anticipated (the attorney is not expected to return until March 4, 2021). In the interim, defendants’ other attorney has been making progress on discovery, but defendants’ discovery efforts have been delayed. Defendants anticipate being able to begin a rolling document production by mid-February and to substantially complete their document production by the end of February. Because the current deadline for fact discovery is March 4, 2021, plaintiff respectfully submits that the requested extension is necessary to avoid prejudice to it. In particular, after defendants complete their document production, plaintiff will need time to review the production in advance of depositions. In addition, prior to the onset of depositions, defendants’ attorney on leave will need time to review both defendants’ and plaintiff’s productions upon his

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return on March 4, 2021. Finally, after reviewing their respective productions, the parties will need time to complete depositions, which likely will include multiple non-party witnesses.

Notwithstanding the challenge described above, the parties have been working diligently with respect to discovery, and have made substantial progress on matters such that they anticipate being able to complete fact discovery by the new proposed date. In addition to having served and responded to each other's written discovery requests, the parties have (i) collected documents from their respective clients in response to the discovery demands, (ii) met and conferred on numerous occasions with respect to their document collection efforts, including the custodians from whom documents were collected; (iii) met and conferred on numerous occasions regarding how the collected documents are to be reviewed and produced, including what search terms will be applied to the collected documents, and (iv) negotiated a stipulated proposed protective order to govern discovery, which the parties are filing with this letter. Although some areas of potential dispute have arisen with respect to the parties' discovery efforts, the parties have been attempting in good faith to work through them—and already have resolved a number of them—and will promptly raise with the Court any issues that they are unable to resolve.

To enable defendants to complete their document production sufficiently in advance of depositions, the parties respectfully request that the Court grant the requested extension of the fact discovery deadline from March 4, 2021 to April 30, 2021, and enter the proposed revised Civil Case Management Plan and Scheduling Order. The parties also note respectfully that there are pending cross-motions for judgment on the pleadings and to dismiss before the Court, which could result in the resolution or streamlining of the case.

Thank you for considering this request.

Respectfully submitted,

/s/ Christopher B. Harwood

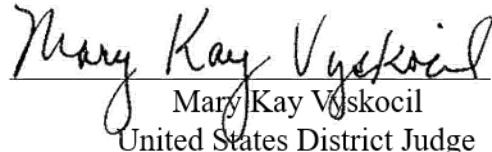
Christopher B. Harwood

Chelsea L. Scism

cc: Defendants' counsel (by ECF)

This request is GRANTED. All fact discovery shall be completed by April 30, 2021. No further extensions of time to complete fact discovery will be granted. The conference that was previously scheduled to take place on January 28, 2021 is adjourned. The parties shall appear for a post-discovery conference on May 6, 2021 at 11:30 AM. The parties shall submit a joint status letter by April 29, 2021 at 3:00 PM.

Date: January 22, 2021
New York, New York


Mary Kay Vyskocil
United States District Judge